

HOUSE BILL No. 1146

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-5-3-4.

Synopsis: Farm wineries refilling bottles or containers. Exempts an establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a farm winery permit from the law that makes it a Class B misdemeanor for a person to knowingly or intentionally: (1) refill a bottle or container, in whole or part, with an alcoholic beverage; or (2) knowingly possess a bottle or container that has been refilled, in whole or in part, with an alcoholic beverage; after the container of liquor has been emptied in whole or in part.

Effective: July 1, 2016.

Forestal

January 7, 2016, read first time and referred to Committee on Public Policy.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-5-3-4, AS AMENDED BY P.L.79-2015,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 4. (a) This section does not apply to the following:

4 (1) The necessary refilling of a container by a person holding a
5 permit that authorizes the person to manufacture, rectify, or bottle
6 liquor.

7 (2) An establishment where alcoholic beverages are sold that is
8 owned, in whole or part, by an entity that holds a:

9 (A) brewer's permit issued under IC 7.1-3-2-2(b); or

10 (B) farm winery permit issued under IC 7.1-3-12.

11 (3) An establishment where alcoholic beverages are sold that is
12 owned, in whole or part, by a statewide trade organization
13 consisting of members, each of whom holds a brewer's permit
14 issued under IC 7.1-3-2-2(b).

15 (4) The refilling of a bottle or container or possession of a refilled
16 bottle or container if the refilling or possession is not for resale or
17 another commercial purpose.



- 1 (b) Except as provided in section 6 of this chapter, it is unlawful for
2 a person to:
- 3 (1) refill a bottle or container, in whole or in part, with an
4 alcoholic beverage; or
- 5 (2) knowingly possess a bottle or container that has been refilled,
6 in whole or in part, with an alcoholic beverage;
7 after the container of liquor has been emptied in whole or in part.
- 8 (c) A person who knowingly or intentionally violates subsection (a)
9 or (b) commits a Class B misdemeanor.

